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Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

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## 27-14-705. Application for registration and certificate of title — Definitions.

### (a)

(1) Every owner of a vehicle subject to the registration under this chapter shall make application to the Office of Motor Vehicle for the registration of the vehicle and issuance of a certificate of title or a certificate of title with beneficiary under § 27-14-727 for the vehicle upon the appropriate forms furnished by the Office of Motor Vehicle.

(2) Every application shall bear the signature of the owner, written with pen and ink, unless the person is unable to write, in which case he or she affixes his or her mark, "X", which must be witnessed by a person other than the Office of Motor Vehicle employee, and the signature shall be acknowledged by the owner before a person authorized to administer oaths.

(b) The application shall contain:

(1) The name, bona fide residence, and mailing address of the owner or business address of the owner if a firm, association, or corporation;

### (2)

(A) A description of the vehicle, including, insofar as the data specified in this subsection may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the serial number of the vehicle, the engine or other number of the vehicle designated to identify vehicles for registration purposes, and whether new or used, and if a new vehicle, a certificate of origin.

**(B)**

**(i)** Except as provided under § 27-14-726, the certificate of origin shall be furnished to the dealer by the manufacturer and shall accompany the application for license and title.

**(ii)** Except as provided under § 27-14-726, no license for the operation of the vehicle shall be granted and no certificate of title shall be issued unless the certificate of origin is made a part of the application.

**(C)** The certificate of origin shall be on a form to be prescribed by the Secretary of the Department of Finance and Administration.

**(D)** In the event a vehicle is designed, constructed, converted, or rebuilt for the transportation of property, the application shall include a statement of its capacity in terms of maximum gross vehicle weight rating as authorized by the manufacturer of the chassis or the complete vehicle;

**(3)** A statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and addresses of all persons having any interest therein and the nature of every such interest and the name and address of the person to whom the certificate of title shall be delivered by the Office of Motor Vehicle; and

**(4)**

**(A)** Further information as may reasonably be required by the Office of Motor Vehicle to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

**(B)** When the application refers to a new vehicle purchased from a dealer, the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer and a fee of fifty cents (50¢) in addition to the title.

**(C)** For the purposes of this section:

**(i)** The words "new vehicle" shall be defined as any motor vehicle transferred for the first time from a manufacturer or importer, or dealer or agent of a manufacturer or importer, and which motor vehicle had theretofore not been used, and is what is commonly known as a "new motor vehicle"; and

**(ii)** The words "used vehicle" shall be any motor vehicle which has been sold, bargained, exchanged, given away, or the title transferred from the person who first took ownership from the manufacturer or importer, dealer, or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle".

**(c)** In addition to the application referred to in subsections (a) and (b) of this section, a title application fee in the amount of eight dollars (\$8.00) per motor vehicle is imposed on each title issued, which shall be paid to the Office of Motor Vehicle at the time that application for registration thereof is made.

**(d)**

**(1)** All fees, fines, penalties, and other amounts collected under subsection (c) of this section shall be remitted to the Treasurer of State separate and apart from other taxes and fees.

**(2)**

**(A)** Three percent (3%) of the gross amount thereof shall be deducted by the Treasurer of State as provided by law.

**(B)** The net amount remaining after the deduction of the three percent (3%) is distributed as follows:

**(i)** Fifty percent (50%) of the net amount shall be distributed as provided under the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq. Provided that at least three million, six hundred eighty thousand dollars (\$3,680,000) shall be distributed as provided in this subdivision (d)(2)(B)(i) before any other distributions are made under this section; and

**(ii)** Fifty percent (50%) of the net amount shall be deposited into the State Treasury as trust funds and credited to the State Police Retirement Fund to be used for the State Police Retirement System.

**(e)**

**(1)** As used in this section, "expedited title processing service" means the expedited review of an applicant's application for certificate of title.

**(2)** The Office of Motor Vehicle may provide an expedited title processing service for a motor vehicle subject to registration and issuance of a certificate of title under this chapter upon:

**(A)** The request of the applicant; and

**(B)** Payment of an expedited title processing service fee in the amount of ten dollars (\$10.00) in addition to the specified title application fees required under subsection (c) of this section.

**(3)** An expedited title processing service request:

**(A)** Shall be made in person by the applicant at the Central Revenue Office located at the Charles D. Ragland Taxpayer Services Center in Little Rock, Arkansas;

**(B)** Shall require that an applicant submit all the required registration forms and payment of the certificate of title application fees and expedited title processing service fee at the time of application;

**(C)** Shall not guarantee the issuance of a certificate of title; and

**(D)** Shall be completed by the Office of Motor Vehicle within three (3) business days from the date the applicant submitted the application.

**(4)** The expedited title processing service fee collected under subdivision (e)(2) of this section shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration into the Commercial Driver License Fund to be used for system enhancements and for other related purposes required by the secretary in carrying out the functions, powers, and duties of the division, including without limitation for the systems used for processing motor vehicle, commercial motor carriers, or driver's licenses.

## History

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Acts 1949, No. 142, § 33; 1955, No. 110, § 1; 1979, No. 439, § 1; 1981, No. 40, § 1; A.S.A. 1947, § 75-133; Acts 1987, No. 945, § 6; 2009, No. 146, § 2; 2011, No. 335, § 1; 2011, No. 718, § 2; 2017, No. 448, § 8; 2019, No. 524, § 3; 2019, No. 910, § 4531; Acts 2023, No. 473, § 3.

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